SUPERVISORS USE OF FORCE

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN:	404-16295-2174-056	Date:	SEPTEMBER 24, 2004	Time:	0050 HHOURS
Location:	91st ST. AND COMPTON AVE.				
City or Station:	LOS ANGELES				
Bureau/Station/Facility:	CENTURY	Admin. Investigation:	YES ☐ NO ☒		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	BABBIT	JOHN	C.

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	SGT	YES ☒ NO ☐	YES ☒ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	BOLANOS	JOSEPH	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	BABBIT	JOHN	C.

Watch Commander's Signature: [signature] Emp #: [redacted]

Copy Provided to Employee by: ______________________ Emp #: __________

Supervisor Completing Form: SGT. RICHARD SMITH (Print) Emp #: [redacted]

Unit Commanders Signature: ______________________ Emp #: __________ Date Signed: __________

PSTD Use Only
FO#

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

See Reverse

Supervisor's Report on Use of Force

URN: 404-16295-2174-056

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED ***(Only One Code Per Block)***

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OE	PW	LE
S#1	E#2	RS		
S#1	E#3	RS		
S#1	E#4	PK		
S#1	E#5	PK		
E#1	S#1	TT		
E#2	S#1	TT		
E#2	S#1	PO	CP	HE
E#3	S#1	TT		
E#4	S#1	TT		
E#5	S#1	TR	NN	

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 404-16295-2174-056

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	MACDONALD	JOHN	PATRICK

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	WHT	CENTURY	216E

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	32	5'08"	195 LBS

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Directed Force / Significant Force
☒	ST. FRANCIS		Directed Force ☒ Significant Force ☐

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	GEISBAUER	ANTHONY	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	WHT	CENTURY	216E

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	38	5'10"	210 LBS

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☐

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	NOBLES	STEVEN	WAYNE

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	WHT	CENTURY	217H

Shift		Age	Height	Weight
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	38	5'08"	200 LBS

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☐

E4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	HISP	CENTURY	217H

Shift		Age	Height	Weight
☒ EM ☐ Day ☐ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	36	6'02"	225 LBS

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☐

E5

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	[redacted]	[redacted]	[redacted]

Shift		Age	Height	Weight
☒ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☒ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case#	Directed Force / Significant Force
☐			Directed Force ☐ Significant Force ☐

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 404-16295-2174-056

Suspect Information

S1
Last Name: BATES		First Name: BRIAN			Middle Name: KIRKLAND		
AKA Last Name:		First Name:			Middle Name:		
Sex: ☒ Male ☐ Female	Race: BLK	Street Address: [redacted]		City: LOS ANGELES		State & Zip Code: CA. 90002	
Work Phone:	Home Phone: [redacted]	Age: 20	Height: 5'11"	D.O.B. 09-26-84	Weight: 170 LBS	Armed? ☒	

Booking #: 8288598 Primary Charge: 245(c) P.C. Secondary Charge: Criminal History ☒

Hospital Admission? ☐ Rec'd Treatment At: CHARTER SUBURBAN Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☒ NO

Suspect Interview

Date: SEPTEMBER 27, 2004 Time: Audiotape: ☒ Videotape: ☒

Suspect Information

S_
Last Name:		First Name:			Middle Name:	
AKA Last Name:		First Name:			Middle Name:	
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐

Suspect Information

S_
Last Name:		First Name:			Middle Name:	
AKA Last Name:		First Name:			Middle Name:	
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance: ______ Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐

See Other Side

INVESTIGATORS SUMMARY

INVESTIGATIVE SUMMARY
USE OF FORCE
TYPE: BROKEN BONE (RIB)
I.A.B. FILE NUMBER: FO 2130220
URN: 404-16295-2174-056

On Friday September 24, 2004, Sergeants Richard Smith and Leonard McCray along with Lieutenant Bennett Seno responded to Century Station regarding a use of force resulting in a broken bone by Century Station personnel. During the course of arresting Suspect Brian Bates, his refusal to be handcuffed resulted in a physical altercation between Suspect Bates and Deputy John Macdonald, Deputy Anthony Geisbauer, Deputy Steven Nobles, and [redacted]. The altercation resulted in Deputy Macdonald receiving a knife wound to his right calf and Suspect Bates complaining of pain to his ribs which was later determined to be a broken rib. When Suspect Bates was taken for treatment he refused to exit the radio car and was tased by Sergeant [redacted] at the direction of Lieutenant Babbit.

INVOLVED PERSONNEL:

Deputy Macdonald, John, #[redacted]	MW/32	5'08"/195lbs
Deputy Geisbauer, Anthony, #[redacted]	MW/38	5'10"/210lbs
Deputy Nobles, Steven, #[redacted]	MW/38	5'08"/200lbs
Deputy [redacted], #[redacted]	MH/36	6'02"/225lbs
Sergeant [redacted], #[redacted]	[redacted]	[redacted]

EMPLOYEE WORK HISTORY

Deputy Macdonald is a 9 year veteran of the Department and has been assigned to Century Station since March 26, 2000. [redacted]

Deputy Geisbauer is a 13 year veteran of the Department and has been assigned to Century Station since September 20, 1998. [redacted]

Deputy Nobles is a 15 year veteran of the Department and has been assigned to Century Station since September 28, 1994. [redacted]

Deputy [redacted] is a 13 year veteran of the Department and has been assigned to Century Station since July 20, 1997. [redacted]

Sergeant [redacted]. [redacted]

SUSPECT

Bates, Brian Kirkland, BK#8288507	MB/20	5'11"/170lbs

Suspect Bates criminal history includes [redacted]

WITNESSES

Lieutenant John Babbit, #[redacted]	Century Station	(323)567-8121

INJURIES

Deputy Macdonald was treated for a puncture wound to his right calf and taken off work status for the remainder of his shift by Doctor Balderrama, St. Francis Hospital, Emergency Room Physician.

Suspect Bates was treated for a fractured rib by Doctor Lundy, Suburban Medical Center Emergency Room Physician, and cleared for regular booking.

PHYSICAL EVIDENCE

One fixed blade knife, four inches in length.
Compact Disc player.
Video tape of the incident.
Photograph of Deputy Macdonald's injury.

INVESTIGATOR OBSERVATIONS:

NONE

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Macdonald used a firm grip and his body weight.

Deputy Geisbauer used a firm grip and kneed Suspect Bates three times in the head.

Deputy Nobles used a firm grip.

Deputy [redacted] used a firm grip.

Sergeant [redacted] utilized an M-26 taser.

WEAPONS USED BY SUSPECTS

Suspect Bates stabbed Deputy Macdonald with a four inch lock blade Buck knife.

PROPERTY DAMAGE:

NONE

CRIMINAL INVESTIGATOR AND CHARGES FILED:

Century Station, Operation Safe Streets Detective Jonas Shipe, #277102.

Detective Shipe filed one count of 245(C) P.C., Assault With a Deadly Weapon on a Peace Officer, four counts of 69 P.C., Assault on a Peace Officer, and one count of 12020(A)(4) p.c., Carrying a Concealed Dirk or Dagger on Suspect Bates.

LIGHTING OR WEATHER CONDITIONS:

This incident took place during the hours of darkness with standard street lighting. The weather was temperate and clear.

INVOLVED EMPLOYEES STATEMENTS:

Deputy John Macdonald, #[redacted]

Deputy Macdonald was working Unit 216E, a two man unit with his partner Deputy Anthony Geisbauer. He was wearing a Sheriff's Department Class A uniform with Sam Brown Gun belt.

Deputy Macdonald said that he and his partner were driving northbound on Mary St. when he saw the suspect standing on the west side of the street wearing a sweater with a hood. When the suspect saw them he immediately put his hands into the pockets of his sweater, which put his hands at his waist. Having made numerous previous arrests of "89 east coast Crips" for weapons violations on that corner, they believed the suspect was concealing a weapon and decided to detain the suspect for a weapons violation investigation. Upon contacting the suspect Deputy Geisbauer attempted to a pat down search; however, the suspect was uncooperative and argumentative. He had Deputy Geisbauer hold the suspect's hands and arms while he did a pat down search of the suspect's pockets, waist and crotch area. After this cursory search, the suspect was placed in the rear seat of their radio car, unhandcuffed. After placing the suspect in their radio car, they realized they had dealt with this individual in the past and that he was an associate of the 89th St. Crips gang. He also recalled that the suspect had run from them, entered the house at that location and armed himself with a gun. They did a warrant check on the suspect

and found a $26,000 warrant in the system. At this point they advised the suspect that he was under arrest for the warrant.

Deputy Macdonald told the suspect, as he sat in the radio car, to turn in the seat and put his hands behind his back. The suspect refused to comply, saying that he did not have a warrant and he was not going to jail. Having had problems at that location in the past, they called for a supervisor. Sergeant [redacted] responded and upon his arrival Deputy Macdonald briefed him on the situation. As he was briefing Sergeant [redacted] the suspect's family members began to exit the house at the location. The family members were all encouraging the suspect to cooperate with the deputies; however, the suspect continued to refuse to comply. Realizing that the situation was not improving he requested another unit to respond for back-up. Unit 217H, Deputies Nobles and [redacted] well as Lieutenant Babbit arrived and a plan was formulated to remove the suspect from the area prior to attempting to handcuff the suspect, due to the possible volatile nature of the family members if the suspect did decide to fight the deputies.

Deputy Macdonald said that they drove to Compton Ave. and 91st St., where they stopped in order to now remove the suspect from the radio car and handcuff him. At this location, Lieutenant Babbit began video taping the incident and Deputy Macdonald again asked the suspect to turn around and submit to handcuffing to which the suspect again refused. A plan was formulated, with the concurrence of the supervisors present, that Deputy Macdonald would open the radio car door and guide the suspect into a position with his back to the radio car and his hands behind his back. If the suspect did not comply, he would be taken to the ground and handcuffed. When Deputy Macdonald opened the door, he grabbed the suspect's right wrist. At this point the suspect attempted to break his hold by turning toward Deputy MacDonald, get out of the car and run.

When the suspect attempted to run, Deputies Geisbauer, Nobles and [redacted] each grabbed a limb and attempted to take the suspect to the ground per the prearranged plan. As the suspect was being taken to the ground, Deputy Geisbauer yelled "knife" and he (Macdonald) saw the suspect stab him in the leg with the knife, which he held in his right hand. When the suspect was on the ground, he saw Deputy Geisbauer put his foot on the suspect's hand holding the knife. The suspect continued to struggle as he placed his knee in the suspect's back and pulled the suspect's left hand behind his back. From this position, he saw an unknown deputy pull the suspect's right hand behind his back and handcuff the suspect. After the suspect was handcuffed, Deputy Macdonald felt liquid running down his leg. He pulled his pant leg up and saw that it was soaked with blood. He was transported to Saint Francis Hospital by Deputy Geisbauer for treatment.

Deputy Macdonald said that prior to his shift he had checked the rear seat area of the radio car, and no one had been placed in the rear seat prior to the suspect therefore it was not possible for the knife to have been in the radio car prior to the suspect being placed in the rear seat.. He said that prior to opening the rear door at 91st St. and Compton Ave., all conversation with suspect took place with the door closed. During the physical altercation with the suspect, he saw no one punch, kick or use an impact weapon on the suspect.

Deputy Anthony Geisbauer, #[redacted]

Deputy Geisbauer was working Unit 216E, a two man unit with his partner Deputy John Macdonald. He was wearing a Sheriff's Department Class A uniform with Sam Brown Gun belt.

Deputy Geisbauer said that as they drove northbound on Mary St., he saw the suspect and noted a silver object in one of his jacket pockets, which he believed to be a gun, which was later determined to be a compact disc player. He also said that the suspect appeared to be under the influence of "something." Upon contacting the suspect Deputy Macdonald conducted a pat down search of the suspect who was "argumentative" and then placed the suspect, unhandcuffed, into the rear seat of the radio car. They did a warrant check of the suspect and learned that he had a warrant for his arrest. The suspect was told that he was being arrested and directed to place his hands behind his back. The suspect refused despite repeated advisements to do so. Recognizing the possibility of a confrontation, they requested a supervisor respond to their location. After Sergeant [redacted] arrival, he attempted to gain compliance from the suspect to no avail. Family members also talked to the suspect, telling him to comply with the deputies; however, the suspect continued to refuse. During this time, Deputies Nobles and [redacted] and Lieutenant Babbit arrived and saw the families attempt to persuade the suspect to comply. After everyone's attempts had failed, a plan was formulated to drive to another location prior to removing the suspect from the radio car for handcuffing in order to prevent a physical altercation with family members.

The suspect was driven to 91st St. and Compton Ave., where Deputy Macdonald again told the suspect that he was being arrested for a warrant and handcuffs would have to placed on him. The suspect continued to refuse to turn around inside the radio car to be handcuffed. A plan was then formulated to remove the suspect from the radio car and a team takedown would be employed if the suspect resisted being handcuffed. Deputy Macdonald opened the door and grabbed the suspect by his right hand. The suspect attempted to run and he (Geisbauer) pushed the suspect to the ground. When he pushed the suspect to the ground, he (Geisbauer) saw that the suspect had a knife in his right hand. He alerted the other deputies that the suspect had a knife and stepped on the suspect's right hand. In an attempt to force the suspect to release the knife, he kneed the suspect in the head with his right knee three times. When the suspect released the knife, he pinned the suspect's right hand to the ground. He pulled the suspect's right hand behind the suspect's back and when Deputy [redacted] pulled the suspect's left behind his back, the suspect was handcuffed.

Deputy Geisbauer said that prior to his shift he personally checked the rear seat of the radio car and there was no knife in the rear seat. He also said that he checked the rear seat after anyone had been placed in the rear seat that night. He believes that the suspect had the knife on him prior to being placed in the rear seat. He did not see anyone punch, kick or use an impact weapon on the suspect during the altercation.

Deputy [redacted], #[redacted]

Deputy [redacted] was assigned to Unit 217H, a man unit, with his partner Steven Nobles. He was wearing a Sheriff's Class A uniform with Sam Brown Gun belt.

Deputy [redacted] said that he was requested to respond to 89th St. and Mary Ave. to back-up Unit 216E with a suspect who was refusing to be handcuffed. Lieutenant Babbit, Sergeant [redacted] and numerous family members were present when they arrived. The family members were "pleading" with the suspect to allow the deputies to handcuff him. A plan was formulated to transport the suspect away from the scene in order to avoid an altercation with the suspect and the family. The suspect was transported to 91st St. and Compton Ave. where the suspect was again asked to put his hands behind his back to be handcuffed. A plan was also devised in case the suspect refused in which the radio car would be opened and the suspect would be taken to the ground in a controlled team take-down. The suspect continued to refuse and the plan was initiated. Deputy Macdonald opened the door of the radio car and the suspect immediately "lunged" out of the radio car in an apparent attempt to flee. He grabbed the suspect's belt and right leg. Everyone fell to the ground and a "scuffle" ensued, during which he heard a deputy yell "He's got a knife." He and Deputy Nobles grabbed and controlled the suspect's left wrist, placing a handcuff on it. Seconds later he heard something metallic slide across the ground. He saw Deputy Geisbauer grab the suspect's right arm, pull it behind the suspect's back at which time the suspect was handcuffed.

After the suspect had been handcuffed, he was placed in his ([redacted] & Nobles) radio car and transported to the hospital for medical treatment of the suspect's complaint of pain to his head and ribs. At the hospital, the suspect was again uncooperative and refused to get out of the radio car. Deputy [redacted] reached into the radio car to assist the suspect out, at which time the suspect kicked at him. Sergeant [redacted] then took a position at the radio car and, several times, ordered the suspect out, advising him that if he continued to refuse he would be tased. The suspect refused and kicked at Sergeant [redacted] Sergeant [redacted] fired the taser at the suspect after which the suspect complied with the orders and was removed from the radio car.

Deputy [redacted] said he did not see anyone punch or kick the suspect. He did see Deputy Geisbauer knee the suspect in the head "a couple of times." He did not see anyone use an impact weapon at any time.

Sergeant [redacted] #[redacted]

Sergeant [redacted] was assigned to Early Morning Unit [redacted], as a field supervisor. He was wearing a Sheriff's Department Class A uniform with Sam Brown Gun belt and was equipped with an M-26 taser.

Sergeant [redacted] said that he was asked to respond to the 8800 block of Mary Ave. by Deputies Macdonald and Geisbauer regarding an uncooperative suspect. Upon his arrival he saw a

Suspect Bates seated, un-handcuffed, in the rear seat of their radio car. He was told Suspect Bates refused to comply with orders to put his hands behind his back for the purpose of being handcuffed. He asked Suspect Bates several times to allow the deputies to handcuff him, but he refused. He was contacted by Suspect Bates [redacted], [redacted], who asked that she be allowed to talk to Suspect Bates in an effort to get him to comply. He agreed and began video taping their conversation. Suspect Bates refused his [redacted]'s request at which time Suspect Bates [redacted] and an [redacted] attempted to gain Suspect Bates cooperation. These efforts also failed to gain compliance.

Sergeant [redacted] said that while this was occurring, Lieutenant Babbit arrived. Although the family had been cooperative to that point, if force was needed to handcuff Suspect Bates, they did not want them present for fear that they would join in a physical altercation. He and Lieutenant Babbit decided to remove Suspect Bates from the area prior to attempting to handcuff Suspect Bates. Everyone involved then drove to 91st St. and Compton Ave. Lieutenant Babbit took control of the incident and the video camera. Lieutenant Babbit directed the deputies to remove Suspect Bates, use control holds to handcuff Suspect Bates and then take him to the ground if he resisted. Lieutenant Babbit instructed Sergeant [redacted] to utilize his taser if the deputies were unable to control Suspect Bates.

Sergeant [redacted] said he saw Deputy Macdonald open the rear door of the radio car at which time Suspect Bates attempted to run. Deputies Macdonald and Geisbauer grabbed Suspect Bates arms, Deputies Nobles and [redacted] grabbed Suspect Bates legs and they took him to the ground. He saw Deputy Geisbauer step on Suspect Bates right wrist immobilizing Suspect Bates hand which he saw was holding a knife. Deputy Geisbauer knelt down and kneed Suspect Bates in the head a couple of times at which time Suspect Bates released the knife. Deputy Geisbauer swept the knife away from Suspect Bates and pulled his right arm behind his back. All four deputies then handcuffed Suspect Bates. After Suspect Bates had been placed back into the radio car, he saw Deputy Macdonald pull his right pant leg up and reveal a puncture wound, which was bleeding, on his right calf. Suspect Bates was transferred from Deputies Macdonald and Geisbauer's radio car without incident and Deputy Macdonald was taken to St. Francis Hospital by Deputy Geisbauer.

Sergeant [redacted] said that Deputies [redacted] and Nobles transported Suspect Bates to Suburban Medical Center, followed by Lieutenant Babbit. He also responded to Suburban Medical Center. At that location, Lieutenant Babbit directed the deputies to use verbal commands, then control techniques to remove Suspect Bates from the rear of the radio car. If Suspect Bates resisted, and assaulted the deputies, Sergeant [redacted] was directed to use the M-26 taser. Deputy [redacted] opened the door and directed Suspect Bates to exit. Suspect Bates refused at which time Sergeant [redacted] removed the taser darts and activated the taser, telling Suspect Bates that if he did not comply he would be shot with the darts. When Deputy [redacted] reached into the radio car to guide Suspect Bates out, Suspect Bates kicked at Deputy [redacted] Sergeant [redacted] said he replaced Deputy [redacted] at the rear door and asked Suspect Bates to exit. Suspect Bates while leaning across the rear seat kicked at Sergeant [redacted] twice. Sergeant [redacted] then shot Suspect Bates with the taser,

maintaining an approximate five second activation cycle. Suspect Bates indicated that he would now cooperate and was removed from the radio car without further incident. Suspect Bates was escorted into Suburban Medical Center and treated for a fractured rib and examined regarding the effects of the taser.

Sergeant [redacted] said he did not see anyone punch or kick the suspect. He did see Deputy Geisbauer knee the suspect "a couple of times." He did not see anyone use an impact weapon at any time. He said Lieutenant Babbit was present during both use of force incidents and tape recorded them.

WITNESS STATEMENTS:

Lieutenant John Babbit, #[redacted]

Lieutenant Babbit said that he was in the field and heard a request for a supervisor to respond to 89th St. and Mary Ave. A short time later he heard a request for an additional unit respond to that location. Based on those requests he determined a problem may exist at that location and responded. Upon his arrival he saw the involved personnel at the location. After being briefed on the situation, including the attempts of family members to resolve the problem and his observation of the presence of a possible hostile crowd which he felt the suspect was empowered by, it was suggested by the deputies that the suspect be taken out of sight of the crowd to facilitate in the arrest. While he was "somewhat uncomfortable" because with the plan, he determined the suspect and deputies would be in sight while being transported from the scene to the other location should anything occur and approved the plan. They moved a short distance out of sight of the crowd, stopped and formulated a plan to handcuff the suspect. His plan was to talk the suspect into complying, then to a firm grip by deputies, to control holds and if those options failed, a team take-down would be utilized to handcuff the suspect.

He said he started the video recorder as Deputy Macdonald took the lead and opened the door to talk to the suspect. As soon as the door to the radio car was opened, the suspect exited the radio car and tried to push past Deputy Macdonald. All four deputies grabbed the suspect and took the suspect to the ground,"somewhat carefully." He heard the deputies yelling, but was unable to ascertain what was being said. He saw a deputy kneeing the suspect in the chest and armpit area during the altercation. He heard something being dropped and the suspect was then handcuffed and searched. After the altercation he learned that Deputy Macdonald had been stabbed with a knife.

The suspect was transported to the hospital where based on the suspect's prior refusal to cooperative he (Babbit) developed a plan to ensure compliance should the suspect again refuse to cooperate. The plan was to utilize verbal commands, to control holds and then based on the suspect's prior non-compliance and Deputy Macdonald having been stabbed, the taser would be utilized and the contact would be video taped. He and Sergeant [redacted] attempted to talk the suspect out of the radio car, then Deputy [redacted] attempted to talk the suspect out of the radio car.

When Deputy [redacted] was talking to the suspect, the suspect rolled to his left, braced himself and kicked at Deputy [redacted] face. Sergeant [redacted] again tried talking the suspect out of the radio car, at which time the suspect kicked at Sergeant [redacted] At this point Sergeant [redacted] fired one taser dart at the suspect, keeping it activated for approximately five seconds. The suspect fell to the floor board and indicated that he would cooperate and was taken into the hospital for treatment.

SUSPECT STATEMENTS:

Brian Bates, BK#8288507

Suspect Bates said that he was walking to the gas station when he was contacted by Deputies Macdonald and Geisbauer. He put his hands in the air, walked to the deputies and allowed them to conduct a pat down search of his person. After he was searched, he was placed in the rear seat of the radio car, un-handcuffed. While in the rear seat of the radio car, he recognized one of the deputies as a deputy who had arrested him on another occasion for possession of marijuana. He said that "I felt caught. I felt trapped." While he was in the radio car he removed a knife from his right front pants pocket which the deputies had not found during their search. When he was removed from the radio car, he said he attempted to run so that he would not go to jail. He admitted stabbing Deputy Macdonald, saying that he was angry.